



**TESTIMONY**  
  
of the  
  
**CONNECTICUT CONFERENCE OF MUNICIPALITIES**  
  
to the  
  
**PLANNING & DEVELOPMENT COMMITTEE**

*Mandates Prohibition/Moratorium*

March 10, 2010

The Connecticut Conference of Municipalities is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 93% of Connecticut's population. We appreciate this opportunity to testify before this joint committee on the issue of mandates reform, a top priority of CCM's.

**H.B. 5031, "An Act Reducing Costs to Municipalities"**

**S.B. 198, "An Act Requiring A Two-Thirds Vote to Enact New Municipal Mandates"**

**H.B. 5257, "An Act Concerning the Termination of New Municipal Mandates"**

CCM supports these bills. They would provide substantive, badly needed mandate relief to beleaguered towns and cities. In particular, H.B. 5031 and S.B. 198 would provide for a statutory prohibition against new, unfunded state mandates, unless there is a 2/3 vote of the General Assembly.

This should not unduly tie the hands of the General Assembly. The legislature, through use of a "notwithstanding clause" may avoid full or even partial reimbursement for a new or expanded mandate if there are compelling public policy reasons to do so. Still, this needed reform would require the General Assembly to inject cost-benefit analyses into debates on state mandates. If possible, the legislature could enshrine such prohibition by passing a Constitutional amendment as well as a statute.

### State and Local Fiscal Crisis

As the Committee well knows, the State faces a current deficit of \$500 million, and a deficit for the next biennium of up to \$4 billion. Federal ARRA funding used for ECS alone -- \$270 million -- is expected to be gone by FY 12. Clearly, the State is not in a good position to help towns with sufficient state aid to survive the financial crisis.

Connecticut towns and cities have been making uncomfortable budget cuts and are making preparations for additional cuts. In Connecticut's central cities, the situation is increasingly grave and dire. Deep cuts in services and massive layoffs have occurred in these communities -- with more cuts and layoffs to come without state action.

Let's be clear: over the next few years increases in municipal aid will be hard to come by. The State has continuously refused to allow local revenue options and, in fact, forces municipalities to return every two years to beg for continuation of the present rates of the municipal real estate conveyance tax. At the very least, the State should provide relief from cost-driving mandates and avoid imposing new ones. Failure to do so increases local property taxes.

### CCM Report on Mandates

Enclosed is a copy of CCM's report, "How to Spell Relief," which recommends several mandates for repeal, postponement or reform. The report contains cost savings estimates for most of the proposals.

### **State Mandates**

Unfunded and under-funded state mandates are corrosive elements that deteriorate critical municipal programs and services -- and the bottom-line of municipal budgets. They are burdensome requirements and standards imposed by the State on towns and cities that affect residential and business property taxpayers by imposing significant costs.

Make no mistake -- local officials do not question the merit of many state mandates, such as special education, public health, recycling of reusable wastes, and clean water requirements. However, local officials object when the State does not (1) provide commensurate funding to implement and deliver what these mandates require, and (2) adjust certain onerous state mandates to conform with the current economic climate.

Too often municipalities in Connecticut are forced to carry out state policies with little or no state funding. It is fundamentally inappropriate and inequitable to force towns and cities to assume all or most of the costs of policies the State has decided to implement -- and thus to pass these costs on to local property taxpayers. It's buying something that may be good -- but with someone else's money.

Compounding the burden of state mandates are state agency regulations that implement statutes as well as other administrative mandates that further increase the requirements and costs imposed on local governments. According to the Connecticut Advisory Commission on

Intergovernmental Relations, Connecticut's towns and cities must comply with over 1,203 statutory state mandates.

In addition, towns and cities lose staggering amounts of revenue as the result of about 65 state-mandated property tax exemptions including exemptions from the real and personal property owned by the State and by private colleges and hospitals. These state-imposed obligations and state-imposed revenue losses force all municipalities to increase their property tax rates [see attachment – town-by-town exemptions].

### The Many Faces of Mandates

Not all state mandates are obvious.

State mandates come in all shapes and sizes. Sometimes, although the State does not specifically direct a mandate to municipalities, it effectively imposes one. These “mandates in effect” occur when the State abandons necessary state-provided services that citizens rely on and need. This is a particular danger when state budgets are tight.

Municipalities must then continue to provide these services at local expense. For example, deinstitutionalization or cuts in funds for mental health institutions and for juvenile homes shifts the service burden to local health personnel, social workers, police officers, and others. Similar shifts occur when the state inadequately prepares people for reentry into communities from prison or jail. The effect of state mandates compromises the goal of reentry strategies and subsequently releases prisoners disproportionately into major metropolitan areas without providing needed resources.

In some cases, the General Assembly passes legislation that a municipality may adopt by local option which, as a practical political matter, the town or city cannot avoid. For example, in recent years the legislature has given municipalities the option of increasing property tax breaks to military veterans at local taxpayers' expense – a worthy cause, but an option that many municipalities will feel compelled to enact, especially when the country is involved in two wars. In a situation such as this, the State has again bought good will from a segment of the public – with local property tax dollars.

### The State's Response to Date

Some positive first steps have been made in the fight against state mandates, such as establishing legislative procedures to (a) indicate the fiscal impact on municipalities of proposed legislation, and (b) labeling some legislative proposals as potential state mandates. Other noteworthy progress includes:

Mandates reform legislation was enacted in 1993 that established (a) a one-year delay in the municipal implementation of new and costly state mandates, (b) reporting of newly enacted state mandates after each legislative session, and (c) periodic report detailing all constitutional, statutory and regulatory state mandates on towns and cities, and,

The 2005-2006 Commission on Unfunded Mandates was charged with (a) studying the actual need for numerous unfunded and partially funded mandates, (b) quantifying the actual costs to local governments for such mandates, and (3) analyzing the effects of eliminating or reducing such mandates. The creation of the Commission rightfully acknowledged that “the sooner we cut costs to cities and towns...the sooner cities and towns will be able to pass those savings to their residents.” Unfortunately, the Commission’s draft proposals were never acted on.

The municipal fiscal notes, mandates-identification, and reimbursement-consideration procedures while helpful, need to be more accurate and precise. These requirements, while modestly successful in preventing the enactment of some prospective mandates, have done little to deal with existing mandates.

Municipalities recognize that it is neither practical nor desirable to eliminate all unfunded or inadequately funded state mandates, but relief is long overdue. Reform to state mandates is a logical approach to offset depleting state revenues and a growing state deficit.

#### Federal Response

It should be noted that the federal government passed a law to prohibit costly unfunded state mandates to state and local governments – the Unfunded Mandates Reform Act. The State should provide the same relief for its towns and cities.

#### Additional Mandates Reform

In addition to the statutory prohibition against new, unfunded state mandates, CCM urges the 2010 General Assembly to:

- *Improve the estimation of municipal fiscal impact on proposed legislation to more accurately reflect the cost towns and cities would be forced to assume.* The Office of Fiscal Analysis needs to revamp its procedures and dedicate adequate personnel resources to accomplish this. In addition, efforts should continue to invite and encourage the cooperation of municipal officials in assisting OFA staff in preparing fiscal notes on all bills and amendments that affect towns and cities.
- *Provide that the statutory fiscal note and mandates-review procedures continue to be included in the General Assembly's Joint Rules to assure legislative compliance.* This action will underscore the importance of these procedures, and ensure that all requirements are observed. The General Assembly's Joint Rules are designed to regulate the legislative process.
- *Ensure that the definition of “state mandate” used for fiscal notes includes legislation that would require municipalities to forego future revenue.*
- *Ensure (a) that municipal fiscal impact statements are prominently displayed on all legislative bills and amendments and (b) that such fiscal notes are available to all legislators well in advance of action on the proposal.* Particularly in the case of

amendments and conference committee reports, the fiscal note is sometimes hastily assembled and often not in the hands of all legislators for much time prior to a vote.

- Ensure that *Appropriations Committee review of proposed state mandates, as called for in CGS 2-32(b), be followed in every instance.* Ensure that committee members have adequate fiscal and other information to make a thoughtful decision on municipal reimbursement. Municipal advocates often have to remind legislative leaders to observe this referral requirement, particularly during the end-of-session debates. While the Appropriations Committee rejects numerous mandates, action on proposed mandates can sometimes be perfunctory.
- Avoid *"unmandating" any state-funded program local residents and property taxpayers rely on.* "Unmandating" merely forces municipalities to continue to provide such service at local expense. It does not constitute true mandates reform.

### Conclusion

State mandates, both new and old, are major cost drivers of local budgets. **In the present economic environment, municipalities are being forced to grudgingly raise property taxes and reduce services, including employee layoffs. Surely reforms of state mandates mentioned in this report are preferable to people losing their jobs.**

In 2010, state lawmakers have a unique opportunity to make positive structural changes on the operation of government that bring significant cost savings. Towns and cities have long asked for serious reform of state mandates. But in these tough economic times, it is imperative that state leaders finally carry reforms across the finish-line.

Connecticut's local property taxpayers – residential and business – can no longer afford to have state officials on the sidelines and ignore the need for comprehensive reform of state mandates.

Our local property taxpayers deserve no less.

## ## ##

If you have any questions, please call Gian-Carl Casa, CCM Director of Legislative Services; or Ron Thomas, CCM's Manager of State and Federal Relations; at (203) 498-3000.

Enclosures (2)



## **APPENDIX A:**

### **STATE MANDATED PROPERTY TAX EXEMPTIONS**

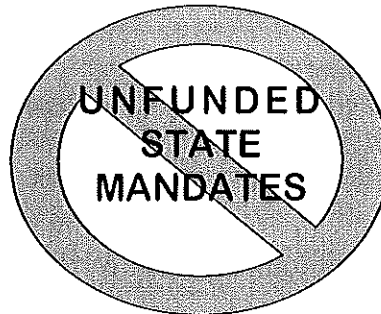
The following property is exempt from taxation in Connecticut (C.G.S. §12-81):

1. Property of the United States
2. State property, reservation land held in trust by the state for an Indian tribe.
3. County Property (repealed).
4. Municipal Property.
5. Property held by trustees for public purposes.
6. Property of volunteer fire companies and property devoted to public use.
7. Property used for scientific, educational, literary, historical or charitable purposes.
8. College property.
9. Personal property loaned to tax-exempt educational institutions
10. Property belonging to agricultural or horticultural societies.
11. Property held for cemetery use.
12. Personal property of religious organizations devoted to religious or charitable use.
13. Houses of religious worship.
14. Property of religious organizations used for certain purposes.
15. Houses used by officiating clergymen as dwellings.
16. Hospitals and sanatoriums.
17. Blind persons.
18. Property of veterans' organizations.
  - a. Property of bona fide war veterans' organization.
  - b. Property of the Grand Army the Republic.
19. Veteran's exemptions.
20. Servicemen and veterans having disability ratings.
21. Disabled veterans with severe disability.
  - a. Disabilities.
  - b. Exemptions hereunder additional to others. Surviving spouse's rights.
  - c. Municipal option to allow total exemption for residence with respect to which veteran has received assistance for special housing under Title 38 of the United States Code.
22. Surviving spouse or minor child of serviceman or veteran.
23. Serviceman's surviving spouse receiving federal benefits.
24. Surviving spouse and minor child of veteran receiving compensation from Veteran's Administration.
25. Surviving parent of deceased serviceman or veteran.
26. Parents of veterans.
27. Property of Grand Army Posts.
28. Property of United States Army instructors.
29. Property of the American National Red Cross.
30. Fuel and provisions.
31. Household furniture.
32. Private libraries.
33. Musical instruments.
34. Watches and jewelry.
35. Wearing apparel.
36. Commercial fishing apparatus.
37. Mechanic's tools.
38. Farming tools.
39. Farm produce.

40. Sheep, goats, and swine.
41. Dairy and beef cattle and oxen.
42. Poultry.
43. Cash.
44. Nursery products.
45. Property of units of Connecticut National Guard.
46. Watercraft owned by non-residents (repealed).
47. Carriages, wagons, and bicycles.
48. Airport improvements.
49. Nonprofit camps or recreational facilities for charitable purposes.
50. Exemption of manufacturers' inventories.
51. Water pollution control structures and equipment exempt.
52. Structures and equipment for air pollution control.
53. Motor vehicle of servicemen.
54. Wholesale and retail business inventory.
55. Property of totally disabled persons.
56. Solar energy systems.
57. Class I renewable energy sources and hydropower facilities.
58. Property leased to a charitable, religious, or nonprofit organization.
59. Manufacturing facility in a distressed municipality, targeted investment community, or enterprise zone.
60. Machinery and equipment in a manufacturing facility in a distressed municipality, targeted investment community, or enterprise zone.
61. Vessels used primarily for commercial fishing.
62. Passive solar energy systems.
63. Solar energy electricity generating and cogeneration systems.
64. Vessels.
65. Vanpool vehicles.
66. Motor vehicles leased to state agencies.
67. Beach property belonging to or held in trust for cities.
68. Any livestock used in farming or any horse or pony assessed at less than \$1000.
69. Property of the Metropolitan Transportation Authority.
70. Manufacturing and equipment acquired as part of a technological upgrading of a manufacturing process in a distressed municipality or targeted investment community.
71. Any motor vehicle owned by a member of an indigenous Indian tribe or their spouse, and garaged on the reservation of the tribe (PA 89-368)
72. New machinery and equipment, applicable only in the five full assessment years following acquisition.
73. Temporary devices or structures for seasonal production, storage, or protection of plants or plant material.
74. Certain vehicles used to transport freight for hire.
75. Certain health care institutions.
76. New machinery and equipment for biotechnology, after assessment year 2011.



## How to Spell Relief



The Governor and the General Assembly have a tremendous opportunity to champion fiscal relief to towns and cities as mitigation plans are being discussed. No allocations necessary, no special funding required, no taxes raised – just simply enact the suggested proposals below that gives Hometown, Connecticut relief from suffocating state mandates.

The attached is a compilation of state mandates that have been identified time and time again by state and local leaders as burdensome public policies. Now is the time for action.

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Towns and cities have long asked for serious state-mandate relief. The following are tangible steps that can be taken in the 2010 legislative session to achieve much-needed fiscal and administrative relief.

## I. REPEAL OR POSTPONE

### Delay the "Raise the Age" Mandate

- ❑ (1) *Delay PA 07-04* in its entirety -- which mandates local police departments treat 16-year olds as juveniles (effective January 1, 2010) and 17-year olds as juveniles (effective January 1, 2012). This would allow local and state leaders adequate time to address procedural and funding concerns and solutions through further modifying legislation.

#### Fiscal Impact:

- ❖ Cost estimate -- Applying a per 16- and 17-year old incident average (non-violent crimes) with anticipated local fiscal impacts -- the "raise the age" mandate is set to yield a statewide cost to municipalities of approximately \$37.7 million.<sup>1</sup> Even if it was just a quarter of that cost, the statewide impact on municipalities would still be significant -- at \$9.4 million. Cost savings to the State per a delay would be approximately \$10.8 million.<sup>2</sup>

### In-School Suspension

- ❑ Repeal, or delay implementation until full funding can be provided, of Public Act 07-66 *which requires schools to do in-school suspensions* unless a student poses a threat or danger to other students or faculty (*Effective July 1, 2010*). The costs associated with this mandate for staffing, administrative and facilities would deplete already limited education funding. The delay in the implementation date will provide municipalities an immediate savings on costs associated with housing such students on-site during their suspension periods and allow municipalities more time to implement a long-term plan for meeting the intent of the law.

#### Fiscal Impact:

- ❖ Cost estimates (staffing, professional development, training, etc.) to implement mandate range from \$9,000/year (small town) to \$4.5 million/year (city). Average cost per student is approximately \$197.<sup>3</sup>

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<sup>1</sup> Connecticut Department of Public Safety: Uniform Crime Reports, 2005 -- representing approximately 10,000 incidents. Statewide figure excludes Bridgeport, Hartford, New Haven, Stamford and Waterbury (cities with populations over 100,000) as it is assumed these cities will likely have the facilities and resources to absorb the mandate's impact.

<sup>2</sup> Governor 11.24.09 Deficit Mitigation Plan

<sup>3</sup> CCM estimate, based on information received from municipalities

### Eliminate the Health Insurance Premium Tax

- ☐ *Repeal the requirement that municipalities pay the state's premium tax on municipal health insurance policies.* The tax is 1.75% on fully insured municipal premiums. Municipalities that are self-insured do not pay the premium tax. But some municipalities, particularly small towns, cannot reasonably consider self-insurance as an option, because just one catastrophic illness could have a severe negative impact on a local budget. Municipalities presently spend between 8% and 15% of their local budgets on health care for their employees. For the past few years, annual increases in premiums have typically ranged between 9% and 15%. Municipalities and their property taxpayers are struggling with these high costs.

#### Fiscal Impact:

- ❖ Cost estimate of mandate on municipalities – up to \$8 million statewide, each year.<sup>4</sup>

### Health Insurance Coverage

- ☐ *Repeal sections of PA 08-147* which eliminates residency requirements and mandates that health insurance coverage plans extend coverage eligibility to unmarried children under age 26, which could negatively impact municipal costs for already skyrocketing healthcare.<sup>5</sup>

#### Fiscal Impact:

- ❖ Cost estimate of mandate on municipalities -- could be as high as \$350,000/year for a large municipality.<sup>6</sup>

### Charter School Special Education

- ☐ *Repeal section 10-66e* which requires local school districts to pay for the costs of special education to any Charter School that is attended by student who resides in the district.

### Evicted Tenants

- ☐ *Repeal section 49-22 which requires towns and cities to remove and store possessions of evicted tenants.* A comparable mandate requiring removal and storage of evicted commercial tenants was eliminated in 1997 and according to the Office of Legislative Research, Connecticut is one of only a handful of states that still imposes this obligation on its municipalities. (*see the attached case study for more information*)

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<sup>4</sup> CCM estimate, based on information received from municipalities

<sup>5</sup> Office of Legislative Research analysis, Public Act 08-147.

<sup>6</sup> CCM estimate, costs could vary due to enrollment

Fiscal Impact:

- ❖ Costs estimates of mandate on municipalities range from \$9,000/year to \$1.5 million/year. This state mandate is costing the top 10 municipalities listed on OPM's 2008 Distressed Municipalities list approximately \$2.3 million annually.<sup>7</sup>

Prevailing Wage

- ☐ *Enact a statewide moratorium on Connecticut's prevailing wage law (CGS 313-53). Utilize the moratorium as a trial program to allocate savings to finance additional state and local infrastructure programs and to consider permanent structural reforms. (see the attached case study for more information, see section "Postpone" for related proposal).*

Fiscal Impact:

- ❖ Costs estimates of mandate on municipalities range from 4-7%<sup>8</sup> to 30% annually in additional costs.<sup>9</sup> For a \$1 million project, then, the mandate could add as much as \$300,000.

State Prequalification Program

- ☐ *Repeal or postpone certain sections of the State Prequalification Program, which requires the state and municipalities -- in certain circumstances -- to only utilize those contractors that have met stringent requirements of the program, and that are registered with the Department of Administrative Services.*

Property Tax Exemptions

- ☐ *Enact a moratorium on state-mandated property tax exemptions for the duration of the economic downturn. (see Appendix I)*

Separate Unions

- ☐ *Repeal the statute that requires one union for the uniformed employees of municipal police departments and municipal fire departments. Present law requires rank and file employees and supervisors to be in the same union -- which can foster strenuous relations within some municipalities.*

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<sup>7</sup> CCM estimate, based on information received from municipalities

<sup>8</sup> PRI, 1996

<sup>9</sup> Wharton School of Business

## II. REFORM

### Prevailing Wage

- ☐ *Amend the State's prevailing wage rate law [CGS 31-53(g)] by (a) increasing the thresholds for both new and renovation construction projects to \$1 million, (b) indexing the thresholds for inflation thereafter, and (c) implementing a prevailing wage law exemption for local renovation projects related to the installation of alternative sources of energy. The prevailing wage thresholds that trigger the mandate have not been adjusted in Connecticut since 1991. Prior to 1991, state legislators adjusted these thresholds on a six-year schedule. (see the attached case study for more information, see section "Postpone" for related proposal).*

### Municipal Binding Arbitration I:

- ☐ *Modify state-mandated compulsory binding arbitration laws under the Municipal Employee Relations Act (MERA) and the Teacher Negotiation Act (TNA) by maintaining the power of local legislative bodies to reject arbitrated awards by a two-thirds vote, but provide that the contract goes back to negotiation in the event of such a rejection – instead of going to a second, final and binding arbitration panel. In sum, make the system governing municipalities the same as that for the State.*
- ☐ *Require that arbitrators not include municipal fund balances under 10% in determining a municipality's ability to pay under the Teacher Negotiation Act (TNA) and Municipal Employees Relations Act (MERA).*

### Municipal Binding Arbitration II

- ☐ *Streamline the State Arbitrator process by amending state statutes to allow a single, neutral arbiter to oversee proceedings. Modify the State appointment process to ensure parties are assigned a single arbiter – at random – from a pool of up to five neutral, permanent members and that a predetermined fee schedule be codified – to be paid by both parties.*

### Municipal Binding Arbitration III

- ☐ *Establish timetables and firm deadlines for municipal negotiations and binding arbitration similar to those used under the TNA to (1) limit the size of liabilities for retroactive pay and benefits, and (2) protect against last-minute modifications of "best final" offers. This a prudent and reasonable reform to the current process.*
- ☐ *Allow towns and local boards of education to extend an expired or expiring contract for 2 years, providing current "wage and benefit package and other work rules remain in effect.*

- ☐ Allow for collective bargaining over the concept of “regional consolidation of services”, but not over whether consolidating should occur; Allow municipalities to negotiate multi-municipal master contracts with municipal employee and teacher unions.

#### Municipal Binding Arbitration IV

- ☐ Amend local binding arbitration statutes to help *curtail local expenditures* by:
  - (1) Ensuring certain arbitration criteria be reviewed which takes into account current economic trends and projected data that impedes towns’ ability to pay going forward,
  - (2) Inserting a definition of “public interest” that includes an irrebuttable presumption that the public is not willing to increase personnel costs (including salaries and fringe benefits) for Town or Board of Education employees at rates in excess of general fund expenditures for local government services over the average of the last three fiscal years.
  - (3) Eliminating item-by-item decisions on economic and fringe benefit issues. Instead, ensure that these two separate issues are addressed under their respective categories as a whole.
  - (4) Ensuring the negotiation of fringe benefits involving Town and BOE bargaining units mirror the State process and be conducted on a coalition basis.

#### Local Department Heads

- ☐ Amend the municipal employee collective bargaining statutes to clarify the statutory definition of “department head” for purposes of excluding such personnel from collective bargaining. Specifically:
  - ⚡ (a) amend section 7-467(4) so that the definition of a Department head will include an employee who heads any department in a municipal organization, has substantial supervisory control of a permanent nature over the municipal employees, and is accountable to the board of selectmen of a town, city or borough not having a charter or special act form of government or to the chief executive officer of any other town, city or borough directly or through a superior within the municipal organization, and
  - ⚡ (b) amend section 7-467(5) to delete “major” and simply define “department” as “any functional division in a municipal organization which shall include identified departments and

divisions within a department notwithstanding the provisions of any charter or special act to the contrary.”

- ✦ Current law uses the vague term “major” which allows for some municipal department heads (managers), such as town assessors, public works directors, or planning and zoning directors, to also join collective bargaining units.

#### Municipal Web-Postings

- ❖ Amend section 11 of PA 08-03 of the June Special Session which *requires public agency minutes and notice of special meetings to be posted on the agency’s website*, if one is available to:

- (a) delay implementation until at least 7/1/12,
- (b) allow municipal agencies up to 14 days to post minutes on the internet, as long as other FOI posting requirements are met,
- (c) eliminate the requirement that notices of special meetings be posted within 24 hours,
- (d) clarify that agencies need only post on websites that the agency regularly uses for official business., and
- (e) clarify that minutes need to be retained on a website until the next minutes are posted.

Municipal boards and commissions, especially in small towns, have struggled with the administrative difficulty of this mandate – causing some to shut down their websites altogether. The reform changes proposed here would make this a more workable requirement.

#### Fiscal Impact:

- ❖ Cost estimates of mandate on municipalities -- could be approximately \$15,000 for towns that need new software for their websites.<sup>10</sup>

#### Telecommunications Personal Property Taxes

- ☐ Amend CGS 12-80a to (1) establish a minimum residual depreciation value of 20% for the personal property of wireless telecommunications companies, and (2) base property tax payments on local mill rates, rather than a state uniform rate. At present, telecommunications companies pay no personal property taxes on equipment after five years because the State requires is no residual value for that equipment. In the early years

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<sup>10</sup> CCM estimate, based on information received from municipalities

they pay a statewide mill rate. This bill would add fairness to the system by (a) providing that there be a minimum residual value on such equipment, helping local governments maintain revenue for equipment still being used by profit-making companies, and (b) that the taxes be based on local mill rates, so that companies are not in jeopardy of paying higher rates when the equipment is newer.

Fiscal Impact:

- ❖ Cost estimate of mandate on municipalities: A large city estimates the lack of a 20% residual value costs it about \$495,882/year, while a mid-size suburb estimates a \$50,000 impact.<sup>11</sup>

Public Notices

- ☐ Allow municipalities and their boards and commissions the option for alternate means of publishing public notices -- besides the mandated, costly method of using only print newspaper notices.

Fiscal Impact:

- ❖ Cost estimates of this mandate on municipalities -- range from \$4,500/year in a small suburb to \$158,985/year in a large city.<sup>12</sup>

Examples:

- ✦ Amend section 50-11 CGS (*Advertising: Sale of Perishable Goods*),
- ✦ Amend sections 22a-42a (*Establishment of Boundaries by Regulation, Adoption of Regulations. Permits. Filing Fees*),
- ✦ Amend sections 22a-109 (*Coastal Site Plans. Review.*),
- ✦ Amend sections 22a-354p (*Adoption of Regulations. Permits.*),
- ✦ Amend section 9-164 (*Regular and Special Municipal Elections*).

Mandate Identification

- ☐ *Enhance the legislative mandates review and identification process by:*
  - ✦ *Ensuring (a) that municipal fiscal impact statements are prominently displayed on all legislative bills and amendments and (b) that such fiscal notes are available to all legislators well in advance of action on the proposal. Particularly in the case of amendments and conference committee reports, the fiscal note is sometimes hastily assembled and often not in the hands of all legislators for much time prior to a vote.*
  - ✦ *Ensuring that Appropriations Committee review of proposed state mandates, as called for in CGS 2-32(b), be followed in every instance.*

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<sup>11</sup> Ibid

<sup>12</sup> Ibid



### Minimum Budget Requirement (MBR)

- ☐ Relieve municipalities, who meet certain criteria of fiscal distress, from the “minimum budget requirements” which mandates that they give all or a certain percentage of state education aid to their boards of education. At a time when many municipal general governments are struggling to provide basic public services, raising property taxes and even laying off employees, local property taxpayers cannot afford to have the State dictate increased funding for one sector of local government.

### Unemployment Benefits

- ☐ Establish a minimum threshold of at least 1,000 work-hours of service for *part-time, temporary, or seasonal employees in order to be eligible for unemployment benefits*. This threshold would protect existing, limited funds and protect against abuse of benefits.

#### Fiscal Impact:

- ❖ Cost estimates of a mid-size suburb estimates this change would save between \$10,000 to \$25,000/year.<sup>13</sup>

### School Year

- ☐ Amend the state statute that *requires a minimum of 180 school days to 175 days and allow municipalities the option to furlough certified employees for the reduced days on a per diem basis to offset costs created by under-funded levels of state education aid to towns and cities*.

#### Fiscal Impact:

- ❖ Costs estimate of implementing this proposal could save some suburban municipalities approximately \$ 100,000 to \$125,000 per day.<sup>14</sup>

## III. PROHIBIT

### New Mandates

- ☐ Enact a *statutory prohibition to prohibit the enactment of unfunded or underfunded state mandates* without a 2/3 vote of both chambers of the General Assembly.

### Oppose Specialized Workers' Compensation Benefits

- ☐ Prohibit the expansion of special workers' compensation benefits for various diseased and illnesses – for a select group of employees – via legislatively mandated presumptions, particularly costly state mandates such for cancer and infectious & contagious diseases.

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<sup>13</sup> CCM estimate, based on information received from municipalities

<sup>14</sup> Ibid.

#### IV. THE COST OF EDUCATION MANDATES: BRISTOL

**PHILIP STREIFER, Ph.D.**  
*Superintendent of Schools*



**SUSAN KALT MOREAU, Ph.D.**  
*Deputy Superintendent*

P.O. Box 450  
BRISTOL, CONNECTICUT 06011- 0450  
(860) 584-7000 • Fax (860) 584-7611

March 11, 2009

Senator Gaffey and Representative Fleischmann  
Co-Chairs, Legislative Education Committee  
Education Committee  
Room 3100, Legislative Office Building  
Hartford, CT 06106

Dear Senator Gaffey and Representative Fleischmann:

Thank you for the opportunity to appear before your Committee on March 9, 2009. During my testimony you asked that I forward a list of unfunded mandates that could be suspended. The purpose of this letter is to outline those mandates.

In recent testimony to the Planning and Development and Appropriations Committees I detailed several recommendations where mandates could be suspended for two years until the economy rebounds. I also included recommendations by the CT Association of Public School Superintendents (CAPSS) and CT Association of Urban Superintendents (CAUS) in that testimony. Finally, I appeared at the request of the CT Conference of Municipalities and the Governor's Office. Copies of that testimony are on record.

Let me say at the outset that I am not opposed to legislative mandates nor is CAPSS or CAUS. My concern fundamentally stands on the fact that ECS aid, the main vehicle for the state to fund its public schools, never reached its intended 50/50 level where the state and local communities would equally share the costs for public education. All projections are that ECS aid will be level funded, at best, and possibly reduced. Since ECS is designed to rise along with our expenditures, even level funding results in a net loss of aid to the City. Further, Bristol expects excess cost aid to be capped in the new biennium budget and we will be faced with a loss of Priority District Status along with its funding because we have performed so well on mastery tests.

There are further pressures on our school districts, in particular due to the Sheff Stipulated Order – which is yet another unfunded mandate. I am not opposed to the goals of Sheff, however we simply can no longer afford to fund additional state mandates without adequate financial support. As I have written elsewhere and so testified before several committees of the

Connecticut Legislature, the State was the defendant in the Sheff case, not local districts. Therefore, it is paramount that the state fully funds this mandate if it wishes to meet the court requirements.

The fundamental problem facing local schools and municipalities is that all of these mandates result in a dramatic transfer of the tax burden from the State to the City. Simply put, we are at the breaking point and something needs to give. Temporarily relaxing expensive mandates until the economy rebounds is an important part of the solution.

With that in mind, here are the mandates that my staff and I feel should be relaxed which would save the City of Bristol \$2M or more a year.

<b>In-school suspension</b> [after new legislation \$150,000]	<b>Tutoring costs for expelled students</b> [\$80,000 – more if an Open Choice student requires tutoring in Hartford – that is \$30,000 for a full year expulsion vs. \$2,500 given to us for that student; cost of Hearing Officer approximately \$20,000 per year]
<b>Bullying</b> [PBS Training, curriculum development - \$199,500]	<b>BEST</b> [\$70,000 for mentors and mentor coordinator, substitutes - \$17,000]
<b>CEUs, other mandated professional development</b> [3 staff days @261,000 = \$783,000, cost for presenters \$85,000, staff oversight \$5300: totals \$882,900]	<b>Manpower to complete certain state reports</b> [\$100,000 + \$150,000 Power School Database for PSIS uploads]
<b>Magnet school tuition and Open Choice</b> [\$700,000+]	

CAUS – the Connecticut Association of Urban Superintendents has reached a consensus about which mandates should be suspended and they sent these to the Commissioner of Education in a recent letter. These include:

<b>In-School Suspension</b>	<b>End requirement to provide C.E.U.s to teachers</b>
<b>D.R.A.</b> (an elementary reading test) – eliminate requirement to test students already on level; and end reporting mandate)	<b>Sp.Ed. services for private schools</b> (could Federal mandates be adjusted? End requirement to use R.T.I. model?)
<b>DCF placements</b> –review <i>nexus/no nexus</i> requirements	<b>Sp. Ed – exit students out at age 21</b>
<b>Reduce paperwork on requirements</b> such as “bullying logs”	<b>Private school transportation requirement</b>
<b>Technical schools transportation requirement</b>	

The Connecticut Association of Public School Superintendents defines unfunded mandates that may be eliminated as "those laws and regulations not directly related to the core mission of increasing student learning or eliminating the achievement gap among groups which require expenditure of local dollars or staff time. They ask that no new mandates be enacted in this session, particularly those related to In-School suspension. Further they ask that no new requirements even related to our core mission, such as Secondary School reform or Mentor Assistance Program, be enacted without sufficient dollars to implement them.

CAPSS appreciates that every mandate was a well intentioned attempt to improve the lives of children; however, they believe it is time to create a task force of Superintendents of Schools and State Department of Education officials to review all mandates to determine if they are relevant to our core mission. I made this very recommendation to the State Board back on December 3<sup>rd</sup>, 2008 and we are now already in March with no action.

At the March 9<sup>th</sup> hearing I was asked a number of questions about the in-school suspension law set to take effect soon. This unfunded mandate is but the tip of the iceberg in terms of what needs to be addressed. During that dialogue it was mentioned that with the added dollars over past years in ECS and Priority District funding, districts should not be concerned about funding this mandate (and others). However, the essential calculus here does not add up as local superintendents work to design budgets and programs to meet all of the requirements before them. When ECS meets its constitutionally required level of 50/50 funding you will find superintendents more receptive to this argument.

Again, I want to sincerely thank you for the open dialogue we had during the March 9<sup>th</sup> hearing of your Committee. I hope that the information provided in this letter is useful. Should you wish I would be pleased to discuss these issues further at your convenience.

Sincerely,

*Philip A. Streifer, Ph.D.*

Philip A. Streifer, Ph.D.

Superintendent of Schools

cc: Bristol Board of Education  
Bristol City Council  
Bristol Board of Finance  
Governor Rell  
James Finley, CT Conference of Municipalities  
CT Association of Public School Superintendents  
CT Association of Urban Superintendents

The Bristol Board of Education recently compiled and priced out state mandates with which it must comply.

The list is below: **Partially and Un-Funded Mandates for Bristol Public Schools for 2008-2009**

UnFunded Mandates and Partially Funded Mandates - Solid Estimates  
Philip A. Streifer, Ph.D. for the Bristol Public Schools 2008-09 Budget

<b>TOTAL COSTS FOR MANDATES \$14, 733, 344</b>
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	Estimated Funds/ Hours for 2008-2009	Hourly Rate Applied	Extended Cost
<b>Partially Funded Mandates</b>			
Adult Education - Bristol Share (Total: \$512,000)	\$308,581		\$308,581
CAPT Testing - Grade 10	100+ hours per year	\$ 8,300	\$8,300
CMT Testing - Grades 4/6/8 Expanded Testing Preparation for mandated science testing in grades 5/8 (2007)	500+/ 45 hours per year	\$45,235	\$45,235
English Language Learners - ELL & Bilingual	60 hours	\$ 4,980	\$4,980
Special Education District Share (65%)	\$547,916		\$547,916
	\$7,549,694		\$7,549,694
<b><u>Un-Funded Mandates</u></b>			
ADA accommodations (transportation/signs/elevators)	\$100,000		\$100,000
Alternate Education for Expelled Students ( \$12,000 per student)	\$33,300		\$33,300
Air Quality	\$4,000		\$4,000
Asbestos Training for Building Grounds Staff (1 day per year)	\$200		\$200
Background Checks and Finger Printing (Follow-up)	\$1,250		\$1,250
BEST Program (Subs & Oversight)	\$17,000		\$17,000
Bullying Policy (investigations/record keeping/follow-up)	\$7,500		\$7,500
Child Abuse Reporting (200 per year @ \$120 per)	\$24,000		\$24,000
Continuing Education Units (CEU Professional Development) 18 hours per year	\$870,166		\$870,166
CPR/First Aid and Heimlich Training (nurses/coaches/staff)	\$2,000		\$2,000
Hepatitis B (@ \$120)	\$120		\$120
Drug Education (health staff)	\$130,000		\$130,000
ED-001 END OF YEAR SCHOOL REPORT (audit cost)	200 hours and \$30,000	\$ 16,600	\$46,600
ED-014 MINIMUM EXPENDITURE COMPLIANCE CHECK	2 hours per year	\$ 166	\$ 166
ED-156 FALL HIRING SURVEY	2 hours per year	\$ 166	\$ 166
ED-163 CONNECTICUT SCHOOL DATA REPORT	64 hours per year	\$ 5,312	\$ 5,312
ED-166 DISCIPLINE OFFENSE REPORT	360 hours per	\$ 29,880	\$ 29,880

ED-525 STUDENT DROPOUT REPORT	year 30 hours per year	\$ 2,490	\$ 2,490
ED-540 GRADUATION CLASS REPORT	year 30 hours per year	\$ 2,490	\$ 2,490
ED-006S PUBLIC SCHOOL INFORMATION (PSIS)	\$35,000		\$35,000
ED-612 LANGUAGE ASSESSMENT SCALES DATA COLLECTION	100 hours per year	\$ 8,300	\$ 8,300
ED-003 TEACHER/ADMINISTRATORS NEGOTIATIONS	\$ 25,000		\$ 25,000
ED-162 NON-CERTIFIED STAFF	8 hours per year	\$ 664	\$ 664
ED-607 SURVEY OF TITLE IX COORDINATORS	2 hours per year 10 hours per year	\$ 166	\$ 166
ED-172 REQUEST 90 DAY CERTIFICATION	year	\$ 830	\$ 830
ED-1723 REQUEST TEMPORARY AUTHORIZATION FOR MINOR ASSIGN.	5 hours per year	\$ 415	\$ 415
ED-175 SPECIAL WAIVER FOR SUBSTITUTE	4 hours per year	\$ 332	\$ 332
ED-177 REQUEST-DURATIONAL SHORTAGE AREA PERMIT	2 hours per year	\$ 166	\$ 166
ED-186 APPLICATION-TEMP/EMERGENCY COACHING PERMIT	2 hours per year	\$ 166	\$ 166
ED-017 GRANT APPLICATION NONPUBLIC HEALTH SERVICES	2 hours per year	\$ 166	\$ 166
ED-021 OUT OF TOWN MAGNET SCHOOL TRANSPORTATION	6 hours per year 60 hours per year	\$ 498	\$ 498
ED-111 CASH MANAGEMENT REPORT	year	\$ 4,980	\$ 4,980
ED-114 GRANT BUDGET REVISION	100 hours per year	\$ 8,300	\$ 8,300
ED-141 STATEMENT OF EXPENDITURES FED/STATE PROJECTS	60 hours per year 100 hours per year	\$ 4,980	\$ 4,980
ED-042 REQUEST FOR REVIEW OF FINAL PLANS	year	\$ 8,300	\$ 8,300
ED-042CO NOTICE OF CHANGE ORDER	20 hours per year	\$ 1,660	\$ 1,660
ED-046 REQUEST FOR SCHOOL CONSTRUCTION PROGRESS PAYMENT	20 hours per year	\$ 1,660	\$ 1,660
ED-049 GRANT APP FOR SCHOOL BUILDING PROJECT	100 hours per year	\$ 8,300	\$ 8,300
ED-050 SCHOOL FACILITIES SURVEY	2 hours per year 20 hours per year	\$ 166	\$ 166
ED-053 SITE ANALYSIS	year	\$ 1,660	\$ 1,660
ED-099-AGREEMENT FOR CHILD NUTRITION PROGRAMS	2 hours per year	\$ 166	\$ 166
ED-103 REIMBURSEMENT CLAIM NAT. SCHOOL LUNCH PROGRAM	12 hours per year 30 hours per year	\$ 996	\$ 996
ED-205 TITLE I EVALUATION REPORT	year	\$ 2,490	\$ 2,490
SEDAC (SPECIAL EDUCATION INFORMATION SYSTEM)	2,100 hours and \$ 65,000	\$ 174,300	\$ 239,300
ED-229 BILINGUAL EDUCATION GRANT APPLICATION	30 hours per year	\$ 2,490	\$ 2,490
ED-241/241A ADULT EDUCATION SUMMARY REPORT	30 hours per year	\$ 2,490	\$ 2,490
ED-244/244A GRANT APPLICATION FOR ADULT	30 hours per	\$ 2,490	\$ 2,490

EDUCATION	year		
ED-245/245A GRANT APPLICATION REVISION-ADULT EDUCATION	10 hours per year	\$ 830	\$ 830
ED-236 IMMIGRANT STUDENT SURVEY REPORT	2 hours per year	\$ 166	\$ 166
ED-613A STATE DISTRICT CONSOLIDATION APPLICATION	30 hours per year	\$ 2,490	\$ 2,490
ED-613B FEDERAL DISTRICT CONSOLIDATION APPLICATION	200 hours per year	\$ 16,600	\$ 16,600
Family and Medical Leave Act (@\$6,000 per plus cost of sub)		\$254,200	\$254,200
sub-cost		\$246,000	\$246,000
Freedom of Information Legal Costs & Administration		\$12,000	\$12,000
Health Insurance Portability and Accountability Act (HIPAA)	5 hours per year	\$ 415	\$ 415
Internet Protection Act for Children( software and staff cost)		\$9,000	\$9,000
Jury Duty (50@ cost of sub)		\$3,250	\$3,250
Medicaid Reimbursement (OT/PT/Speech/Psy)		\$60,000	\$60,000
Minority Staff Recruitment		\$7,000	\$7,000
No Child Left Behind Act (NCLB) Report	100 hours per year	\$ 8,300	\$ 8,300
Paraprofessional Mandates for Title 1 Schools (highly qualified)	20 hours per year	\$ 1,660	\$ 1,660
McKenny-Vento Act AYP	200 hours per year	\$ 16,600	\$ 16,600
Reporting/action	350 hours per year	\$ 29,050	\$ 29,050
Military Recruitment	40 hours per year	\$ 3,320	\$ 3,320
Homeless Transportation (@ \$150 per day for a school year, per student)		\$65,000	\$65,000
Data Collection	750 hours per year	\$ 62,250	\$ 62,250
Policy related expenses	300 hours per year	\$ 24,900	\$ 24,900
Non-public school transportation		\$982,522	\$ 982,522
Pesticide Applications Policy	6 hours per year	\$ 498	\$ 498
Promotion and Graduation Requirements	500 hours per year	\$ 41,500	\$ 41,500
Restraint Training for Special Education and Support Staff		\$10,000	\$10,000
Residency investigation		\$10,000	\$10,000
Restaurant Safety Act (signs)		\$600	\$600
School Records and Retention		\$5,000	\$5,000
School Transportation Safety Reporting		\$5,000	\$5,000
Sexual Harassment Training		\$1,250.00	\$1,250
Student Survey	20 hours per year	\$ 1,660	\$1,660
Special Education Due Process (proactive)		\$70,000	\$70,000
Special Education Excess Cost our share plus 5% state Reduction		\$700,000	\$700,000

Special Education Coverage at PPT's	5000 hours per year	\$ 415,000	\$ 415,000
Gifted and Talented	\$127,722		\$127,722
Strategic School Profiles (SSP) (data collection/reporting)	200 hours per year	\$ 16,600	\$16,600
Student Physicals and Immunizations (Grades K,7,10)	1000 hours per year	\$ 83,000	\$83,000
Hearing Screenings	\$30,000		\$30,000
School Medical Advisor	\$6,000		\$6,000
Related Medical Equipment	\$150,000		\$150,000
Summer School or other supplemental services for intervention	\$86,804		\$86,804
Teacher/Administrator Evaluations	\$500,000		\$500,000
Transportation to Regional Vo/AG/Technical Schools	\$297,000		\$297,000
Truancy Reporting (10 per year)	\$30,000		\$30,000
Tuition to Regional Vo/AG schools	\$200,000		\$200,000
Vending Machines	20 hours per year	\$ 1,660	\$1,660
504 Accommodations	\$35,000		\$35,000



## THE COST OF EDUCATION MANDATES: MONROE

The Governor's Commission on Unfunded Mandates compiled this list of education mandates in 2006 for the Town of Monroe.

### Partially and Un-Funded Mandates for the Monroe Public Schools for 2006-2007<sup>15</sup>

	<u>Estimated Funds/Hours for</u> <u>2006-2007</u>
<b><u>Partially Funded Mandates</u></b>	
Adult Education	\$56,000
CAPT Testing - Grade 10	35 hours per year
CMT Testing - Grades 4/6/8 Expanded Testing	45 hours per year
Preparation for mandated science testing in grades 5/8 (2007)	30 hours
English Language Learners - ELL	\$40,244
Sheff vs. O'Neil Magnet School (6 to 6, RCA, Aquaculture Tuitions)	\$139,000
Special Education - 10% paid of 40% required by law (payments to the State)	TBD
Excess Cost and Agency Placement Fees (4.5% to 5%)	\$ 42,800
<b><u>Un-Funded Mandates</u></b>	
ADA accommodations (transportation/signs/elevators)	\$52,000
Alternate Education for Expelled Students ( \$12,000 per student)	\$24,000
Air Quality- Tools for Schools (6 hours for training/implementation)	\$4,600
Asbestos Training for Building Grounds Staff (1 day per year)	\$200
Background Checks and Finger Printing (Follow-up)	\$4,000
BEST Program	\$2,500
Blood Borne Pathogens Training	\$60.00
Bullying Policy (investigations/record keeping/follow-up)	50 hours per year
Child Abuse Reporting (10 per year @ \$120 per	\$1,200
Benefits costs as result of Connecticut's New Civil Union Legislation (@ \$ 9,000 per)	\$9,000
Continuing Education Units (CEU Professional Development) 18 hours per year	\$216,000
CPR/First Aid and Heimlich Training (nurses/coaches/staff)	\$2,000
Hepatitis B (@ \$120)	\$120
Physicals (staff per pre employment/students per free and reduced lunch) @ \$150	\$150
Drug Education (health staff)	\$130,000
ED-001 END OF YEAR SCHOOL REPORT (audit cost)	200 hours and \$9,000
ED-014 MINIMUM EXPENDITURE COMPLIANCE CHECK	2 hours per year
ED-156 FALL HIRING SURVEY	2 hours per year
ED-163 CONNECTICUT SCHOOL DATA REPORT	32 hours per year
ED-166 DISCIPLINE OFFENSE REPORT	180 hours per year
ED-525 STUDENT DROPOUT REPORT	2 hours per year
ED-540 GRADUATION CLASS REPORT	2 hours per year
ED-006S PUBLIC SCHOOL INFORMATION (PSIS)	\$25,000
ED-612 LANGUAGE ASSESSMENT SCALES DATA COLLECTION	32 hours per year
ED-003 TEACHER/ADMINISTRATORS NEGOTIATIONS	None for 2006-2007
ED-162 NON-CERTIFIED STAFF	8 hours per year
ED-452 DEBT SERVICES CLAIM FORM	2 hours per year
ED-607 SURVEY OF TITLE IX COORDINATORS	2 hours per year
ED-172 REQUEST 90 DAY CERTIFICATION	2 hours per year
ED-1723 REQUEST TEMPORARY AUTHORIZATION FOR MINOR ASSIGN.	2 hours per year
ED-175 SPECIAL WAVIER FOR SUBSTITUTE	2 hours per year
ED-177 REQUEST-DURATIONAL SHORTAGE AREA PERMIT	3 hours per year
ED-186 APPLICATION-TEMP/EMERGENCY COACHING PERMIT	2 hours per year
ED-017 GRANT APPLICATION NONPUBLIC HEALTH SERVICES	2 hours per year

<sup>15</sup> Governor's Commission on Un-Funded Mandates, DRAFT recommendations, 2006.

ED-021 OUT OF TOWN MAGNET SCHOOL TRANSPORTATION	2 hours per year
ED-111 CASH MANAGEMENT REPORT	20 hours per year
ED-114 PREPAYMENT GRANT BUDGET REQUEST	40 hours per year
ED-141 STATEMENT OF EXPENDITURES FED/STATE PROJECTS	40 hours per year
ED-042 REQUEST FOR REVIEW OF FINAL PLANS	50 hours per year when applicable
ED-042CO NOTICE OF CHANGE ORDER	10 hours per year
ED-045 NOTICE OF DEBT. SERVICE	2 hours per year
ED-046 REQUEST FOR SCHOOL CONSTRUCTION PROGRESS PAYMENT	10 hours per year
ED-049 GRANT APP FOR SCHOOL BUILDING PROJECT	50 hours per year when applicable
ED-050 SCHOOL FACILITIES SURVEY	2 hours per year
ED-053 SITE ANALYSIS	10 hours per year when applicable
ED-099-AGREEMENT FOR CHILD NUTRITION PROGRAMS	2 hours per year
ED-103 REIMBURSEMENT CLAIM NAT. SCHOOL LUNCH PROGRAM	12 hours per year
ED020 LOCAL GRANT APP YOUTH AT RISK	
ED-205 TITLE I EVALUATION REPORT	6 hours per year
PCI (SPECIAL EDUCATION INFORMATION SYSTEM	1,050 hours and \$ 33,000
ED-229 BILINGUAL EDUCATION GRANT APPLICATION	-
ED238 EMERGENCY IMMIGRANT ED PROGRESS REPORT	-
ED-241/241A ADULT EDUCATION SUMMARY REPORT	2 hours per year
ED-244/244A GRANT APPLICATION FOR ADULT EDUCATION	2 hours per year
ED-245/245A GRANT APPLICATION REVISION-ADULT EDUCATION	-
ED-236 IMMIGRANT STUDENT SURVEY REPORT	-
ED-513 HEALTH SERVICE PLAN	-
ED-611 PROVIDER OF SUPPLEMENTAL EDUCATIONAL SERVICES	-
ED-613A STATE DISTRICT CONSOLIDATION APPLICATION	20 hours per year
ED-613B FEDERAL DISTRICT CONSOLIDATION APPLICATION	200 hours per year
Family and Medical Leave Act (@\$6,000 per plus cost of sub)	\$72,000
sub-cost	\$130,000
Freedom of Information (FOI) Training	8 hours per year
Health Education(staff)	\$130,000
Health Insurance Portability and Accountability Act (HIPAA)	5 hours per year
Internet Protection Act for Children( software and staff cost)	\$9,000
Jury Duty (50@ cost of sub)	\$3,250
Juvenile Supervision and Reporting Center (JSRC)	\$3,500
Medicaid Reimbursement (OT/PT/Speech/Psy)	10 hours per year
Military Leave (min 2 weeks reserve)	
Military Leave (Iraq)	-
Minority Staff Recruitment	CES
No Child Left Behind Act (NCLB)	
Report results	30 hours per year
Paraprofessional Mandates for Title I Schools (highly qualified)	100 hours per year
McKenny-Vento Act	3 hours per year
AYP Reporting/action	25 hours per year
Military Recruitment	5 hours per year
Homeless Transportation (@ \$150 per day for a school year, per student)	\$27,331
School Development Teams	100 hours per year
Data Collection	250 hours per year
Policy related expenses	300 hours per year
HOUSSE Plan	40 hours per year
Non-public school transportation	\$121,000
Pesticide Applications Policy	3 hours per year
Promotion and Graduation Requirements	250 hours per year
Restraint Training for Special Education and Support Staff	\$400
Residency investigation	30-50 hours per year
Restaurant Safety Act (signs)	\$600
School Records and Retention	\$1,200
School Transportation Safety Reporting	8 hours per year
Sexual Harassment Training (\$60.00 per from CES)	\$60.00

Student Survey	8 hours per year
Special Education Due Process (proactive)	\$30,000
Special Education Excess Cost and Agency Placement Fee (0.5% and \$250,000)	\$150,000
Special Education Coverage at PPT's	2000 hours per year
Gifted and Talented	20 hours per year
12 month programming for Special Needs Students	
Staff	\$35,000
Transportation	\$47,000
Strategic School Profiles (SSP) (data collection/reporting)	200 hours per year
Student Physicals and Immunizations (Grades K,7,10)	1000 hours per year
Vision Screenings	50 hours per year
Hearing Screenings	50 hours per year
Scoliosis Screenings	50 hours per year
School Medical Advisor	\$3,000
Related Medical Equipment	\$11,000
Summer School or other supplemental services for intervention	TBD
Teacher/Administrator Evaluations	1000 hours per year
Five Year Technology Plan	200 hours per year
CAPT Readiness Computer Certification	Estimated to be at \$1,000,000 (2009)
Transportation to Regional Vo/AG/Technical Schools (\$8,000 per student)	\$80,000
Truancy Reporting (10 per year)	50 hours per year
Tuition to Regional Vo/AG schools (6 @ \$7,200)	\$43,000
Vending Machines	20 hours per year
Youth Suicide Prevention	200 hours per year
504 Accommodations (@\$110 per hour (100)	\$11,000
Wellness Committee	50 hours per year

## V. CASE STUDY: INFLATED PAY LEVELS FOR PUBLIC PROJECTS

### A. Curtail the Costs of Prevailing Wage Rates

The epitome of state mandates – Connecticut’s so-called prevailing wage rate law -- requires municipalities and the State to pay inflated wages on construction projects over \$400,000 for new work and \$100,000 for renovation projects. This law does not apply to the private sector.

The law means that state and local projects – whether to restore a playing field or install alternative sources of energy -- cannot be bid to obtain the lowest responsible price because all firms that bid on the project must meet a basic wage and benefits package that is set by the State. This package tends to be almost identical to union scale.

This mandate requires municipalities to pay exorbitant and unnecessary wages to one particular group: construction workers. While municipal officials want all workers to be paid fair wages – the archaic prevailing wage rate law in Connecticut is long overdue for reform – especially as municipalities face layoffs and spending freezes because of a stalled economy. This is no time for preferential wages at taxpayers’ expense. More importantly, perhaps, is that **relief from the prevailing wage law – even temporary relief – is a way for the State and municipalities to make more infrastructure investments for the same amount of money. Contrary to arguments that it would “harm” workers, it is a way to create jobs in a weak economy.**

#### *A Brief Background on Prevailing Wage*

The federal Davis-Bacon law (which kicks in on any public works project that receives at least \$2,000 in federal funding), and “little Davis-Bacon” acts passed by states like Connecticut, were enacted during the Depression to protect construction workers from cut-throat competition.

At that time, it was common for unscrupulous contractors to set up shop and compete for federal construction projects. These contractors would often hire unskilled, low-paid workers and underbid local contractors who employed skilled journeyman.

Now, these laws serve mainly to promote unionism in the construction industry, at the expense of state and local taxpayers. Since 1979, eight states have repealed their prevailing wage laws, and nine other states have no such law.

The term “prevailing wage rate” is a misnomer. It connotes “average wage rate,” which sounds reasonable. However, in fact, **prevailing wage rates are markedly higher than average wages.** For example, the following illustrates the prevailing wage “benefit” for selected jobs in various communities (large and small):<sup>16</sup>

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<sup>16</sup> Waterbury Republic American, February 15, 2007. Source: CT DOL, State Register & Manual

	Bridgeport	New Haven	Canaan	Warren
<b>Bricklayer</b>	Wage Rate: \$28	Wage Rate: \$29.50	Wage Rate: \$29.50	Wage Rate: \$29.50
	Benefit: \$15.65	Benefit: \$16.41	Benefit: \$16.41	Benefit: \$16.41
	Total: \$43.65	Total: \$45.91	Total: \$45.91	Total: \$45.91
<b>Ironworker</b>	Wage Rate: \$30.05	Wage Rate: \$30.05	Wage Rate: \$30.05	Wage Rate: \$30.05
	Benefit: \$18.84	Benefit: \$20.18	Benefit: \$20.18	Benefit: \$20.18
	Total: \$48.89	Total: \$50.23	Total: \$50.23	Total: \$50.23
<b>Plumber</b>	Wage Rate: \$29.27	Wage Rate: \$29.97	Wage Rate: \$29.97	Wage Rate: \$29.97
	Benefit: \$15.76	Benefit: \$17.31	Benefit: \$17.31	Benefit: \$17.31
	Total: \$45.03	Total: \$47.28	Total: \$47.28	Total: \$47.28
<b>Bulldozer Operator</b>	Wage Rate: \$29.15	Wage Rate: \$29.39	Wage Rate: \$29.39	Wage Rate: \$29.39
	Benefit: \$12.95	Benefit: \$14.50	Benefit: \$14.50	Benefit: \$14.50
	Total: \$42.10	Total: \$43.89	Total: \$43.89	Total: \$43.89

Studies have proven – at varying degrees – that this unnecessary benefit dangerously inflates the costs of construction to local governments.

- ❖ A 1995 Connecticut Advisory Commission on Intergovernmental Relations study concluded that prevailing wage rates increase construction costs to towns and cities upwards of 21% annually;
- ❖ A 1996 Legislative Program Review and Investigations report pegged the increase in costs caused by the prevailing wage mandate at around 4 to 7%;
- ❖ The Wharton School of Business has reported the figure to be upwards to 30%; and
- ❖ The Kentucky Legislative Research Commission determined in 2001 that the prevailing wage mandate resulted in a 24% increase in the wage cost of state and local projects.

Regardless of the specific percentage cost increase -- **there is no dispute that the prevailing wage mandate forces municipalities and the State to pay millions of extra dollars every year for public works projects.** Towns and cities experience these added costs routinely. For example, officials from the Town of East Granby spoke before the Labor Committee in 2006 and testified that renovations to its Parks & Recreation Department and construction of a storage shed were put “on hold” as a direct result of the impact prevailing wages had on the cost of the project.<sup>17</sup> Had state law been updated to not trigger prevailing wages for this relatively simply project – the project would not have been compromised.

Arguments that the prevailing wage mandate ensures quality are hollow. Proponents of the prevailing wage mandate have failed to submit supporting evidence that private-sector (non-prevailing wage) structures are less safe or of lower quality than public (prevailing wage) structures.

<sup>17</sup> Town of East Granby, testimony before the Labor & Public Employees Committee, March 16, 2006.

### *Prevailing Wage Law: A Blueprint for Reform*

Each legislative session, literally dozens of bills are filed that propose a wide-range of changes to the State's prevailing wage laws – from completely eliminating state statutes on the issue to commissioning more studies. Unfortunately, these proposals are rarely even given a public hearing.

Given the variety of such annual proposals – CCM urges legislators to enact a modest compromise proposal that would maintain the prevailing wage law, while still enacting some relief to municipalities – all while staying consistent with legislative precedent.

The prevailing wage thresholds have not been adjusted since 1991. Prior to 1991, legislators adjusted prevailing wage thresholds on a six-year schedule, as evident in the history of Section 31-53(g):

- ❖ 1979 – P.A. 79-325: set project thresholds at \$10,000 for renovations and \$50,000 for new construction.
- ❖ 1985 – P.A. 85-355: adjusted thresholds to \$50,000 for renovations and \$200,000 for new construction.
- ❖ 1991 – P.A. 91-74: adjusted thresholds to \$100,000 for renovations and \$400,000 for new construction.

The 19-year absence of adjustments to the project-cost triggers of **Connecticut's prevailing wage mandate has cost the State and towns and cities millions of dollars** – money that is desperately needed now to deliver local and state services amidst growing state deficits.

Relief from the prevailing wage mandate would allow municipalities and the State to stop the hemorrhaging of local budgets and state resources. In 2006, the State Department of Public Works testified before the General Assembly's Labor & Public Employees Committee that it "makes sense to raise the thresholds" and that **the State could actually save money by being able to get more construction work accomplished while using the same amount of funds.**<sup>18</sup> The Hartford Courant has also agreed, stating that "Raising the threshold will at least bring the state a little closer to the 21<sup>st</sup> century."<sup>19</sup>

Financial downturns require leaders to buck old habits. It's the right time to change a law that needlessly inflates the cost of every public project.

**CCM urges lawmakers to do what is right for their partners in government – their hometowns by adjusting the current prevailing wage thresholds to \$1 million as towns – and the State struggle to make ends meet for taxpayers. Beyond raising the thresholds, the State can jump-start the economy by enacting a temporary moratorium on the prevailing wage law while the state economy is in a slump.**

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<sup>18</sup> Testimony of the Connecticut Department of Public Works, House Bill 5741, March 10, 2006.

<sup>19</sup> "Update Prevailing Wage Law", Hartford Courant Editorial, page A10. May 2, 2007

## CASE STUDY: EVICTED TENANTS MANDATE

### B. Relief from Responsibility for Possessions of Evicted Tenants

The state requirement that municipalities collect and store the possessions of evicted residential tenants is large and costly state mandate. Municipalities were relieved in 1997 of the mandate to remove and store the possessions of evicted commercial tenants.

The Office of Legislative Research's "Research Report", Number 2006-R-0164. Entitled, "State Laws on Landlord's Treatment of Abandoned Property", the report shows that, of the 37 states researched, *Connecticut is the only state that mandates that municipalities remove and store the possessions of evicted tenants*. In other states, landlords or sheriffs have the responsibility.

The tenant evictions mandate is costly to municipalities. It is estimated that there are about 2,500 residential evictions per year. With this year's economic decline -- this might be a conservative estimate: in 2006, Bridgeport alone estimated 672 evictions.

And, storage costs average \$10 per day, per eviction, for an average of 15 days. The costs for storage alone - *excluding staff, vehicles and other administrative costs* - can range from approximately \$9,000 to \$147,900.

The mandate takes up considerable time on the municipal level. When a person has been evicted, municipalities must (1) secure a moving vehicle to pick up property and take it to a storage facility, and (2) store the possessions for at least 15 days. Municipalities are allowed to try to recoup some of the costs by auctioning off the items. However, municipalities must incur costs associated with conducting an auction (including publicizing the auction, etc.). And, usually the possessions are not sellable. According to one municipal official involved in this process, the belongings are reclaimed in only about 10% of the cases.

Bridgeport estimates that the mandate costs this struggling city upwards to \$1.5 million per year.

Based on a CCM survey conducted last year, Danbury spends an estimated \$70,000 on labor, storage, transportation and other costs associated with eviction proceedings. This year the City switched to a contractor, due to concerns about the physical safety of municipal employees. In the past, employees have been screamed at, bitten by dogs and been in other harmful situations.

In Manchester, in 05/06, \$20,000 was budgeted for evictions. The labor, storage, etc. is contracted out so this money goes directly to that company. The actual amount of money needed however, was \$41,000. For FY 07, \$20,000 was again budgeted for evictions and already, \$32,000 has been used. This cost does not include the monthly auction that the town conducts and the time that it takes for staff to coordinate it.

For the last few years, Waterbury has paid more than \$238,000 each year for the labor, storage, transportation, and disposal of property from evicted tenants. This number has actually gone up as the disposal rate per ton and the rate to the contractors, who move and store the items, have increased. Waterbury has about 30-40 evictions per month. An auction doesn't usually take place because the items have no monetary value.

**CCM urges you to relieve municipalities from this burdensome and unnecessary mandate.**

## APPENDIX I

### STATE-MANDATED PROPERTY TAX EXEMPTIONS

State-mandated property tax exemptions were worth about \$41 billion in FY2004-05 – about 13% of the total value of grand lists, statewide.

The following property is exempt from taxation in Connecticut (C.G.S. §12-81):

1. Property of the United States
2. State property, reservation land held in trust by the state for an Indian tribe.
3. County Property (repealed).
4. Municipal Property.
5. Property held by trustees for public purposes.
6. Property of volunteer fire companies and property devoted to public use.
7. Property used for scientific, educational, literary, historical or charitable purposes.
8. College property.
9. Personal property loaned to tax-exempt educational institutions
10. Property belonging to agricultural or horticultural societies.
11. Property held for cemetery use.
12. Personal property of religious organizations devoted to religious or charitable use.
13. Houses of religious worship.
14. Property of religious organizations used for certain purposes.
15. Houses used by officiating clergymen as dwellings.
16. Hospitals and sanatoriums.
17. Blind persons.
18. Property of veterans' organizations.
  - a. Property of bona fide war veterans' organization.
  - b. Property of the Grand Army the Republic.
19. Veteran's exemptions.
20. Servicemen and veterans having disability ratings.
21. Disabled veterans with severe disability.
  - a. Disabilities.
  - b. Exemptions hereunder additional to others. Surviving spouse's rights.
22. Surviving spouse or minor child of serviceman or veteran.
23. Serviceman's surviving spouse receiving federal benefits.
24. Surviving spouse and minor child of veteran receiving compensation from Veteran's Administration.
25. Surviving parent of deceased serviceman or veteran.
26. Parents of veterans.
27. Property of Grand Army Posts.
28. Property of United States Army instructors.
29. Property of the American National Red Cross.
30. Fuel and provisions.
31. Household furniture.
32. Private libraries.



33. Musical instruments.
34. Watches and jewelry.
35. Wearing apparel.
36. Commercial fishing apparatus.
37. Mechanic's tools.
38. Farming tools.
39. Farm produce.
40. Sheep, goats, and swine.
41. Dairy and beef cattle and oxen.
42. Poultry.
43. Cash.
44. Nursery products.
45. Property of units of Connecticut National Guard.
46. Watercraft owned by non-residents (repealed).
47. Carriages, wagons, and bicycles.
48. Airport improvements.
49. Nonprofit camps or recreational facilities for charitable purposes.
50. Exemption of manufacturers' inventories.
51. Water pollution control structures and equipment exempt.
52. Structures and equipment for air pollution control.
53. Motor vehicle of servicemen.
54. Wholesale and retail business inventory.
55. Property of totally disabled persons.
56. Manufacturing facility in a distressed municipality, targeted investment community, or enterprise zone.
57. Machinery and equipment in a manufacturing facility in a distressed municipality, targeted investment community, or enterprise zone.
58. Vessels used primarily for commercial fishing.
59. Passive solar energy systems.
60. Solar energy electricity generating and cogeneration systems.
61. Vessels.
62. Beach property belonging to or held in trust for cities.
63. Any livestock used in farming or any horse or pony assessed at less than \$1000.
64. Property of the Metropolitan Transportation Authority.
65. Manufacturing and equipment acquired as part of a technological upgrading of a manufacturing process in a distressed municipality or targeted investment community.
66. Any motor vehicle owned by a member of an indigenous Indian tribe or their spouse, and garaged on the reservation of the tribe (PA 89-368)
67. New machinery and equipment, applicable only in the five full assessment years following acquisition.
68. Temporary devices or structures for seasonal production, storage, or protection of plants or plant material.
69. Certain vehicles used to transport freight for hire.
70. Certain health care institutions.
71. New machinery and equipment for biotechnology, after assessment year 2011.

## APPENDIX II

### TOWN-BY-TOWN TOTAL STATE-MANDATED REAL ESTATE PROPERTY TAX EXEMPTION AS A PERCENTAGE OF NET TOTAL REAL ESTATE

TOWN	NET TOTAL REAL ESTATE AS A PERCENTAGE OF 2005 TOTAL EXEMPTIONS
Mansfield	58%
New Haven	47%
Hartford	44%
Windsor Locks	41%
Windham	37%
Bridgeport	35%
New London	33%
Waterbury	32%
New Britain	32%
Preston	28%
Middletown	26%
Suffield	24%
Canaan	23%
East Granby	21%
Groton	21%
Farmington	21%
Norwich	20%
Somers	19%
Derby	19%
Putnam	19%
Killingly	18%
Kent	18%
Pomfret	17%
Deep River	17%
North Canaan	16%
Vernon	16%
West Hartford	16%
Stamford	15%
Westport	15%
Montville	15%
East Hartford	15%
Hartland	14%
Meriden	14%
Litchfield	14%
Danbury	13%
Rocky Hill	13%
Salisbury	13%
Griswold	13%

Winchester	13%
Ledyard	12%
Cheshire	12%
West Haven	12%
Ansonia	12%
East Haven	12%
Newington	12%
Wallingford	12%
Monroe	12%
Hamden	12%
Manchester	11%
Ashford	11%
South Windsor	11%
Chaplin	11%
East Lyme	11%
Norfolk	11%
Enfield	11%
Simsbury	11%
Washington	11%
Bristol	11%
Eastford	10%
Milford	10%
Scotland	10%
Beacon Falls	10%
Bloomfield	10%
Union	10%
Newtown	10%
Torrington	10%
Thomaston	10%
Stafford	10%
Woodstock	10%
Plainville	10%
Fairfield	10%
Bridgewater	9%
Haddam	9%
Redding	9%
Sharon	9%
North Branford	9%
Woodbridge	9%
Lisbon	9%
Brooklyn	9%
Tolland	9%
Colchester	9%
Windsor	9%
East Windsor	9%
Waterford	9%
Sprague	9%
Madison	8%
Voluntown	8%
Cromwell	8%

Cornwall	8%
Warren	8%
Stonington	8%
Norwalk	8%
Columbia	8%
Plainfield	8%
East Hampton	8%
Hampton	8%
New Milford	8%
Lebanon	8%
Colebrook	8%
Roxbury	8%
Middlebury	8%
Middlefield	7%
Stratford	7%
Wilton	7%
Greenwich	7%
Branford	7%
Ridgefield	7%
Avon	7%
Plymouth	7%
Hebron	7%
New Canaan	7%
Thompson	7%
North Haven	7%
Portland	7%
Franklin	7%
Bozrah	7%
Seymour	7%
Wethersfield	7%
Trumbull	7%
Lyme	7%
Southington	7%
Bethany	7%
Oxford	7%
Watertown	6%
Southbury	6%
Canton	6%
Glastonbury	6%
Naugatuck	6%
Granby	6%
Westbrook	6%
Darien	6%
Salem	6%
Wolcott	6%
East Haddam	6%
Orange	6%
New Hartford	6%
Killingworth	6%
Clinton	6%

Bolton	6%
North	
Stonington	6%
Easton	6%
Andover	6%
Ellington	5%
Shelton	5%
Old Saybrook	5%
Harwinton	5%
Bethlehem	5%
Morris	5%
Willington	5%
Marlborough	5%
Brookfield	5%
Sterling	5%
Bethel	5%
Old Lyme	5%
Chester	5%
Berlin	5%
Burlington	5%
New Fairfield	4%
Barkhamsted	4%
Canterbury	4%
Durham	4%
Coventry	4%
Goshen	4%
Guilford	4%
Weston	4%
Woodbury	4%
Prospect	4%
Essex	3%
Sherman	2%

## **APPENDIX III**

### **EXTRAPOLATIONS: ESTIMATED STATEWIDE FISCAL IMPACTS OF MANDATES**

Below are estimates of the statewide fiscal impacts of the mandates discussed in this packet. These figures were obtained through extrapolations of information received to date. The accuracy of these extrapolations will vary.

#### **In-School Suspension**

- ❖ The costs (staffing, professional development, training, etc.) to implement this mandate may yield an estimated **\$9 million** in new costs -- statewide.

#### **Health Insurance Premium Tax**

- ❖ The cost estimate of this mandate on municipalities -- **up to \$8 million** statewide -- will increase as insurance premiums rise.

#### **Health Insurance Coverage**

- ❖ The cost estimates of this mandate on municipalities will vary based on enrollment data and how municipalities are insured. The statewide costs to those communities that are not self insured may yield an estimated **\$1 million/year** in additional costs.

#### **Evicted Tenants**

- ❖ Statewide -- this mandate could cost municipalities in excess of an estimated **\$3 million** annually.

#### **Property Tax Exemptions**

- ❖ Over **\$230 million** statewide is lost municipal revenue attributed to state-mandated property tax exemptions for real estate property. Approximately 13% of the statewide municipal grand list is mandated by the State to be tax exempt.<sup>20</sup>

#### **Telecommunications Personal Property Taxes**

- ❖ The cost estimate of this mandate on municipalities could result in additional revenues in excess of an estimated **\$2.4 million/year**.

#### **Public Notices**

- ❖ Statewide -- the savings to municipalities from reform of this mandate could reach an estimated **\$2.1 million/year**.

#### **Unemployment Benefits**

- ❖ Implementing this proposal could save municipalities statewide an estimated **\$1.9 million/year**.

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<sup>20</sup> PRI, 2006

**School Year**

- ❖ Implementing this proposal could save as much as an estimated **\$13.5 million** statewide.

## **CCM – CONNECTICUT'S STATEWIDE ASSOCIATION OF TOWNS AND CITIES**



The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities. CCM represents municipalities at the General Assembly, before the state executive branch and regulatory agencies, and in the courts. CCM provides member towns and cities with a wide array of other services, including management assistance, individualized inquiry service, assistance in municipal labor relations, technical assistance and training, policy development, research and analysis, publications, information programs, and service programs such as workers' compensation and liability-automobile-property insurance and risk management, and energy cost-containment. Federal representation is provided by CCM in conjunction with the National League of Cities. CCM was founded in 1966.

CCM is governed by a Board of Directors, elected by the member municipalities, with due consideration given to geographical representation, municipalities of different sizes, and a balance of political parties. Numerous committees of municipal officials participate in the development of CCM policy and programs. CCM has offices in New Haven (the headquarters) and in Hartford.

900 Chapel Street, 9<sup>th</sup> Floor  
New Haven, Connecticut 06510-2807  
Telephone (203) 498-3000 Fax (203) 562-6314

E-mail: [ccm@ccm-ct.org](mailto:ccm@ccm-ct.org)  
Web Site: [www.ccm-ct.org](http://www.ccm-ct.org)

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